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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,174	09/29/2003	Leigh E. Wood	58328US002	1946
32692	7590	05/19/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			RODRIGUEZ, RUTH C	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			3677	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/674,174	Applicant(s) WOOD ET AL.	
	Examiner Ruth C Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/04 and 3/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, drawn to a closure system, classified in class 24, subclass 442.
 - II. Claims 16-28, drawn to a method of making a closure system, classified in class 156, subclass 315.

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the closure system can be made by a materially different process where the fastener is co-molded or molded with the carrier tab.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

2. During a telephone conversation with William J. Bond on 04 May 2005 a provisional election was made with traverse to prosecute the invention of I, claims 1-15. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 16-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

3. The information disclosure statement filed 30 January 2004 and 08 March 2004 have been considered for this Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4 and 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Polski et al. (US 5,599,601).

A closure system comprises a base tab (1), a carrier tab (6), a fastener component (C. 7, L. 42-61), an overlap region and a bonding tape (4). The base tab comprises an outer edge (15) and first and second major surfaces (Fig. 1). The carrier tab comprises first and second major surfaces, an inner edge (12) and an opposing outer edge (14). The inner edge and the outer edge define a length of the carrier tab (Fig. 1). The fastener component is attached to at least one of the first and second

major surfaces of the carrier tab (Fig. 1). The overlap region in which a portion of the first major surface of the carrier tab faces the second major surface of the base tab such that the outer edge of the base tab is located between the inner and outer edges of the carrier tab (Fig. 1). The bonding tape is attached to the second major surface of the base tab adjacent the overlap region (Fig. 1). The bonding tape is further adhesively attached to the first major surface of the carrier tab within the overlap region (Fig. 1). The inner edge of the carrier tab is located between the bonding tape and the second major surface of the base tab (Fig. 1).

No adhesive is located between the first major surface of the carrier tab and the second major surface of the base tab within the overlap region (Fig. 1).

The bonding tape is adhesively attached to the base tab and the carrier tab (C. 3, L. 13-15).

The bonding tape is adhesively attached and welded to the base tab and the carrier tab (C.3, L. 13-15).

The bonding tape comprises a layer of pressure sensitive adhesive facing the base tab and the carrier tab (C. 3, L. 27-30 and 58-61 and Fig. 1).

The carrier tab is inelastic (C. 3, L. 50-52).

The bonding tape is inelastic (C. 3, L. 27-48).

The base tab comprises an integral portion of a disposable garment (C. 3, L. 5-11).

The fastener component is adhesively attached to the carrier tab (C.7, L. 45-47).

The fastener component comprises a mechanical fastener component (C. 7, L. 42-61).

The bonding tape is coextensive with a width of the carrier tab as measured transverse to the length of the carrier tape (Fig. 1)

The fastener component is coextensive with a width of the carrier tab as measured transverse to the length of the carrier tape (Fig. 1).

6. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Document EP 0 669 121 A1 (EP '121).

A closure system comprises a base tab (90), a carrier tab (44), a fastener component (C. 20, L. 36-58), an overlap region and a bonding tape (74). The base tab comprises an outer edge (80) and first and second major surfaces (Figs. 1-3). The carrier tab comprises first and second major surfaces, an inner edge (50) and an opposing outer edge (108). The inner edge and the outer edge define a length of the carrier tab (Figs. 1-3). The fastener component is attached to at least one of the first and second major surfaces of the carrier tab (C. 20, L. 36-58). The overlap region in which a portion of the first major surface of the carrier tab faces the second major surface of the base tab such that the outer edge of the base tab is located between the inner and outer edges of the carrier tab (Figs. 1-3). The bonding tape is attached to the second major surface of the base tab adjacent the overlap region (Figs. 1-3). The bonding tape is further adhesive attached to the first major surface of the carrier tab within the overlap region (Figs. 1-3). The inner edge of the carrier tab is located between the bonding tape and the second major surface of the base tab (Figs. 1-3).

No adhesive is located between the first major surface of the carrier tab and the second major surface of the base tab within the overlap region (Fig. 3).

At least a portion of the base tab exhibits elasticity (C. 16, L. 30-43).

The bonding tape is adhesively attached to the base tab and the carrier tab (C. 18, L. 5-52).

The bonding tape is welded to the base tab and the carrier tab (C. 18, L. 5-52).

The bonding tape is adhesively attached and welded to the base tab and the carrier tab (C. 18, L. 5-52).

The bonding tape comprises a layer of pressure sensitive adhesive facing the base tab and the carrier tab (C. 23, L. 31-58).

The carrier tab is inelastic (C. 21, L. 9-23).

The bonding tape is inelastic (C. 23, L. 31-58).

The base tab comprises an integral portion of a disposable garment (Fig. 1).

The fastener component is adhesively attached to the carrier tab (C. 20, L. 36-58).

The fastener component comprises a mechanical fastener component (C. 20, L. 36-58).

The bonding tape is coextensive with a width of the carrier tab as measured transverse to the length of the carrier tape (Figs. 1-3).

The fastener component is coextensive with a width of the carrier tab as measured transverse to the length of the carrier tape (Figs. 1-3).

Regarding claim 15, a combination of rejected claims 1, 3, 6, 8 and 9 will serve to reject claim 15 since claim 15 combines the limitations of all of the aforementioned claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawaguchi et al. (US 6,007,527), Richter et al. (US 6,363,587 B1) and Robertson et al. (US 6,736,804 B1) are cited to show state of the art with respect to closure systems having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee

Art Unit: 3677

to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to
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(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 3677


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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr

May 16, 2005